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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,152	01/25/2002	David Berry	2982P008	4048

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EXAMINER

HUYNH, BA

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 04/08/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/058,152

Applicant(s)

BERRY ET AL.

Examiner

Ba Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

BA HUYNH
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4, 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 18, 34, 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- As for claim 18: The phrase "the script" lacks clear antecedent basis. Claim 18 is further rejected as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between the script and the computer network.
- As for claim 19: The phrase "an at least one of" appears to have a grammatical error.
- As for claim 34, lines 5-6: The phrases "the plurality of user interface category" and "the single client application program" lack clear antecedent basis. The same problem is found in claim 35. Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11, 16-20, 22-35 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent #6,073,163 (Clark et al).

- As for claims 1, 20, 22-30, 34, 35: Clark et al teach a computer implement method and corresponding system for facilitating the update of a plurality of user interface categories utilizing a single application program, comprising the steps/means for: generating, at a first computer system 250 (e.g., 4:49-55), a user interface data message 206 wherein the message includes the plurality of user interface categories 202 (e.g., 5:41-45; 8:60-64) and the single client application program (Java applet), wherein the single client application executes at a second computer system (e.g., 5:34-39), wherein each user interface category includes a user interface element (e.g., 5:18-45; 6:52-61); communicating the user interface data message from the first computer to the second computer (e.g., 4:65 – 5:7; 6:62-64); receiving a user interface update message, at the first computer system, wherein the user interface update message includes an update to the plurality of user interface categories (e.g., 6:64 – 7:5); and communicating the user interface update message from the first computer system to the second computer system to enable the single client application program at the second computer system to update the plurality of user interface categories (e.g., 7:6 – 8:53. See the entire reference).

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- As for claim 2: The first computer comprises a server and the second computer comprises a client (e.g., figure 2).
- As for claim 3: The single computer program at the second computer communicates the update to a script and the update in turn update the user interface element (e.g., 7:6 - 8:53; 8:55 “Client side Dispatcher”).
- As for claims 4, 33: The second computer generates a user interface element table wherein the table includes a call back function script and subscription subjects for each user interface element (7:15-32; 8:56 – 9:19).
- As for claim 6: The call back function script updates the user interface element with a display object model method (7: 32-47; 9:13-19).
- As for claim 7: The single application program populates a browser array with a name value pair for the user interface element (7:15-21; 7:64 – 8:53; 9:39-61).
- As for claim 8: The single client application program communicates the user interface update message to a script, and the script in turn updates the user interface element, wherein the script read a name value pair from the browser array (7:6 – 8:53; 8:55 “Client side Dispatcher”).
- As for claims 9, 32: Each user interface element is constructed from a text embedded with tags (6:52-61; 10:1-14; 11:62 – 12:7).
- As for claims 10, 11: The text embedded with tags is implemented in HTML special generalized mark-up language (6:52-61; 10:1-14; 11:62 – 12:7).
- As for claim 16: The single application program operates under a browser (6:52-61).

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- As for claims 17, 31: The single client application program is a Java applet (6:52-61).
- As for claim 18: Claim 18 can not be properly examined against the art of record due to the 112-2nd problem set forth above. On the merit of this action, the applicant is referred to Clark's teaching of data transfer between the server and the client computer (7:15-21; 7:64 – 8:53; 9:39-61; 8:55 "Client side Dispatcher").
- As for claim 19: The single client application program updates at least one of a plurality of user interface categories (7:6 – 8:53).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-15, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #6,073,163 (Clark et al).

- As for claim 12: Clark et al fail to clearly teach that the SGML is XML. However, it is well known that XML is a derivative of SGML that provides a uniform method for describing and exchanging structured data in an open, text based format. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of XML to Clark et al. Motivation of the

combining is for the well known advantage of having a general purpose language for presenting structured data.

- As for claim 13: Clark et al disclose an HTTP messaging protocol (11:46 – 12:7). Clark et al fail to clearly teach that the system implements Simple Object Access Protocol (SOAP) for messaging framework. However SOAP is one of the well known messaging protocols, similar to HTTP (see US patent #6,708,161, fig 4, and see par. #31 of the applicant's specification). Implementation of SOAP in place of HTTP would have been an obvious design preference in view of the applicant's specification and US patent 6,708,161).
- As for claims 14, 15: It is well known that HTML 4.0 provides author's control over how pages are organized by adding support for Style Sheet or Cascading Style Sheet, which define how and where GUI elements are displayed in Web pages. (see US patent #6,715,145). Clark et al disclose HTML having HTTP for transferring user interface data messages between client and server computers. The message define how user interface elements are to be displayed (8:19-52). Thus it appears that Style Sheet and Cascading Style Sheet are implicitly included in Clark's teaching. Even if it is not, it would have been obvious to one of skill in the art to implement the well known Style Sheet or Cascading Style Sheet to Clark's teaching of HTML. Motivation of the implementation is for providing author's control over how and where GUI elements are displayed in Web pages.
- As for claim 21: Clark et al disclose that the single client application is a Java applet (6:52-61). Clark et al fail to clearly teach that the single client application program is

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a MS Com. However MS Com object is a well known object model among other well known models such as Java applets and servlets (see the applicant spec, par. 39. Also see US patents #6,609,158 and 6,535,913). Implementation of SOAP in place of HTTP would have been an obvious design preference in view of the applicant's specification and US patents #6,609,158 and 6,535,913.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2173
4/3/04

BA HUYNH
PRIMARY EXAMINER